

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

RICHARD A. DUNCAN,)	CASE NO. 1: 07 CV 440
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	
VILLAGE OF MIDDLEFIELD, et al.,)	MEMORANDUM OPINION
)	AND ORDER
Defendants.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Kenneth S. McHargh. The Report and Recommendation (ECF # 38), submitted on October 11, 2007, recommending that: (1) the Village of Middlefield's Motion for Summary Judgment (ECF # 29) be granted and, (2) Plaintiff's Motion for Leave to File a Motion for Summary Judgment (ECF # 33) be denied, is hereby ADOPTED by this Court.

Plaintiff has filed Objections to the Report and Recommendation (ECF # 39), and the Village of Middlefield has filed a Brief in Response to the Objections (ECF # 40). Because objections have been made to the Report and Recommendation, this Court has reviewed this case *de novo*. See *Massey v. City of Ferndale*, 7 F.3d 506 (6th Cir. 1993). After careful evaluation of the record, including the Report and Recommendation and Plaintiff's Objections, this Court finds the Report and Recommendation to be well-written, well-supported and correct.

Accordingly, the Report and Recommendation is hereby ADOPTED (ECF # 38). The Village of Middlefield's Motion for Summary Judgment is GRANTED (ECF # 29), and Plaintiff's Motion for Leave to File a Motion for Summary Judgment is DENIED (ECF # 33).

Plaintiff's Complaint is hereby DISMISSED with prejudice. This case is TERMINATED.

IT IS SO ORDERED.

s/ Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: November 13, 2007